

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, Claims 1-17 are canceled, and Claims 18-35 are added. Thus, Claims 18-35 are pending in this application. Claims 18 and 27 are independent. Support for the added claims can be found, for example, in Figs. 1-3 and throughout the specification. No new matter is added.

The rejections of canceled Claims 1-17 are moot.

Claims 18-35 are patentable over the applied references for at least the following reasons.

Independent Claim 18 is directed to a sealed package of pourable food product comprising, *inter alia*, a plurality of walls, a through hole passing through one of the walls, and a removable portion fixed directly to the one wall and completely covering the through hole.

Kawajiri discloses a liquid-pouring device of a carton. As shown in Fig. 1 of the patent, the carton includes a top wall 10 having an aperture 11 in which the liquid-pouring device is provided. The liquid-pouring device is attached to the top wall 10 of the carton via a partition wall 15 having a mounting flange 20. The back surface of the mounting flange 20 includes a recess into which a gas barrier thin film 21 is provided. The Official Action takes the position that the thin film 21 corresponds to the claimed removable portion.

However, Kawajiri discloses that the mounting flange 20 is provided between the thin film 21 and the top wall 10 as clearly shown in Fig. 1. That is, the thin film 21 is *not* directly fixed to the top wall 10. Thus, Kawajiri fails to disclose a sealed

package of pourable food product comprising, *inter alia*, a plurality of walls, a through hole passing through one of the walls, and a removable portion fixed directly to the one wall and completely covering the through hole, as recited in independent Claim 18. Thus, independent Claim 18 is patentable over Kawajiri for at least this reason.

Independent Claim 27 recites a sealed package of pourable food product comprising, *inter alia*, a rigid plate and a pull-tab of sheet material not being a part of the rigid plate.

The Official Action takes the position that Kawajiri's pull ring 18 corresponds to the claimed rigid plate, and that the partition wall 15 corresponds to the claimed pull-tab. However, as shown in Fig. 1, Kawajiri discloses that the pull ring 18 and the partition wall 15 are integrally formed together. That is, the partition wall 15 is a part of the pull ring 18. Thus, Kawajiri fails to disclose a sealed package of pourable food product comprising, *inter alia*, a rigid plate and a pull-tab of sheet material not being a part of the rigid plate, as recited in independent Claim 27. Thus, independent Claim 27 is patentable over Kawajiri for at least this reason.

Claims 19-26 and 28-35 are patentable over the applied references at least by virtue of their respective dependence from the patentable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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